Remarks

In view of the following amendments and remarks, favorable reconsideration of the outstanding office action is respectfully requested. Claims 1 – 23 and 25 – 40 remain in this application. Claim 24 has been canceled.

1. Allowed Claims/Subject Matter

Applicant notes with appreciation that the Examiner has indicated the subject matter of claims 22 and 28 – 32 is patentable, and would be allowable if rewritten in independent form.

2. Claim Objections

The Examiner has objected to claim 24 under 37 C.F.R. 1.75 for being a substantial duplicate of claim 13. In response, the applicants have canceled claim 24. A complete listing of the properly ordered claims is provided herein.

3. § 102 Rejections

A. U.S. Patent No. 5,525,908 to Brownell

The Examiner has rejected claims 1- 10, 19 – 21, 25, 27, and 33 – 39 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,525,908 to Brownell.

Brownell is directed to an electrical outlet wiring analyzer that includes generator circuitry for periodically providing an alternating current pulse of one cycle at a frequency of an alternating current voltage supplied by an electrical outlet having a plurality of conductors. The wiring analyzer also includes connecting circuitry for electrically applying the alternating current pulse to at least one of the conductors and circuitry for determining an impedance of each of the conductors to which the alternating current pulse is applied.

According to **MPEP 2131**, "to anticipate a claim, the reference must teach every element of the claim." A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claim 1:

With regard to claim 1, the Examiner asserts that Figure 15 is a "*circuit status indicator assembly* coupled to the fault detection circuit and normal thereto," as recited in claim 1. However, the Examiner has also pointed to Figure 15 as being a housing. Indeed, the Brief Description of the Drawings Section of the patent identifies Figure 15 as a housing. Accordingly, the Examiner does not point out where Brownell discloses a "circuit status indicator assembly coupled to the fault detection circuit and normal thereto," as recited in claim 1. The Examiner also does not show where Brownell discloses a plurality of semiconductor light indicators being connected substantially normal to the circuit status indicator assembly, as recited in claim 1. Accordingly, the Examiner does not show where each and every element as set forth in the claim is found in the Brownell reference. Thus, the Examiner does not make a prima facie case of anticipation with regard to claim 1.

While the dependent claims are patentable by virtue of their dependency from claim 1, these claims are patentable in their own right. For example, with regard to claim 8, the Examiner asserts that col. 12, 7- 11 discloses a miswire circuit. It does not. In reference to claim 9, the text cited by the Examiner discloses a diode that prevents reverse biasing of the LEDs if the line voltages are *less than a predetermined amount*. Again, the cited text makes no mention of miswire detection. Accordingly, the Examiner does not show where Brownell anticipates either claim 8 or claim 9.

With regard to claim 10, the Examiner points to Figure 12 for the assertion that Brownell discloses a device that supports 120 VAC, 277 VAC, or 347 VAC. However, Figure 12 only shows a 120 VAC rating. As such, the Examiner does not show where Brownell discloses the subject matter of claim 10.

With regard to claim 19, the Examiner asserts that Figure 15 of Brownell discloses an indicator assembly that emits a Boolean code. The Examiner fails to point to any particular component in Figure 15. At any rate, Figure 15 does not shown any indicator that provides a Boolean code. A careful reading of the associated text also fails to reveal any discussion of a Boolean code. Accordingly, the Examiner does not show where Brownell discloses the subject matter of claim 19.

The Examiner fails to show where Brownell discloses the subject matter of claim 20. Claim 20 recites that the semiconductor light indicators are LED elements *coupled to the fault detection circuit by way of a circuit board standoff element*. While the Examiner points

to LEDs 124, 126, and 128, he fails to show where Brownell discloses the recited circuit board standoff element. Thus, the Examiner does not show where Brownell discloses the subject matter of claim 20. Of course, claim 21 depends from claim 20 and is therefore allowable as well.

Independent claim 25:

With regard to independent claim 25, the Examiner asserts that Figure 12 is a "*circuit status indicator assembly* coupled to the fault detection circuit and normal thereto...," as recited in claim 25. However, Brownell identifies Figure 12 as being an "overlay...that can be placed on respective front 60 and rear (not shown) panels of housing 48 shown in Fig. 9." Accordingly, the Examiner fails to show where Brownell discloses a "circuit status indicator assembly coupled to the fault detection circuit and normal thereto," as recited in claim 25. The Examiner also does not show where Brownell discloses a plurality of semiconductor light indicators being connected substantially normal to the circuit status indicator assembly, as recited in claim 25. Accordingly, the Examiner does not show where each and every element as set forth in the claim is found in the Brownell reference. Thus, the Examiner does not make a prima facie case of anticipation with regard to claim 25.

While the dependent claims are patentable by virtue of their dependency from claim 25, these claims are patentable in their own right.

For example, the Examiner asserts that Brownell discloses the subject matter of claim 27, which recites a second housing, blade assembly, detection circuit, and circuit status indicator. The Examiner points to Figure 15 in support of his assertion. However, Figure 15 only shows one device, not two, as recited in claim 27. As such, the Examiner does not show where Brownell discloses the subject matter of claim 27.

With regard to claim 39, the Examiner again asserts that Brownell discloses a device that supports 120 VAC, 277 VAC, or 347 VAC. However, as noted above, Brownell only shows a device that supports 120 VAC. Accordingly, the Examiner does not show where Brownell discloses the subject matter of claim 39.

The Examiner has not made a prima facie case of anticipation because he has not shown where Brownell discloses each and every element of the claimed invention. Accordingly claims 1- 10, 19 – 21, 25, 27, and 33 – 39 are patentable under 35 U.S.C. § 102(b). The applicant respectfully requests that the rejection under 35 U.S.C. § 102(b) be withdrawn.

B. U.S. Patent No. 3,922,600 to Roveti:

The Examiner has rejected claims 1, 13 – 18, and 24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,922,600 to Roveti.

Roveti is directed to a device for performing a plurality of tests upon an electrical power receptacle. The device includes a housing that has pair of blades protruding from it. Signal lights indicate the proper wiring of the receptacle contacts and the effectiveness of the grounding contact.

Independent claim 1:

With regard to claim 1, the Examiner asserts that Figure 4 of Roveti is directed to a "circuit status indicator assembly coupled to the fault detection circuit and normal thereto," as recited in claim 1. However, Figure 4 is a circuit diagram. Accordingly, the Examiner does not point out where Brownell discloses a "circuit status indicator assembly coupled to the fault detection circuit and normal thereto," as recited in claim 1. The Examiner also does not show where Roveti discloses a plurality of semiconductor light indicators being connected substantially normal to the circuit status indicator assembly, as recited in claim 1. Accordingly, the Examiner does not show where each and every element as set forth in the claim is found in the Roveti reference. Thus, the Examiner does not make a prima facie case of anticipation with regard to claim 1.

While the dependent claims are patentable by virtue of their dependency from claim 1, these claims are patentable in their own right. The Examiner asserts that column 4, lines 45 – 51 of Roveti disclose a "fault detection circuit configured to detect the circuit status condition in a multi-phase center grounded electric circuit," as recited in claim 13 and claim 24. However, the cited text provides a tutorial regarding the electrical systems used in the United States. The passage does not discuss Roveti's invention. Accordingly, the Examiner does not show where Brownell discloses the subject matter of claim 13 or claim 24.

The Examiner has not made a prima facie case of anticipation because he has not shown where Brownell discloses each and every element of the claimed invention. Accordingly claims 1, 13 – 18, and 24 are patentable under 35 U.S.C. § 102(b). The applicant respectfully requests that the rejection under 35 U.S.C. § 102(b) be withdrawn.

4. § 103 Rejections

A. Brownell in view of Kusko:

The Examiner has rejected claims 11, 12, and 40 under 35 U.S.C. § 103 as being unpatentable for obviousness over Brownell in view of U.S. Patent No. 5,065,104 to Kusko et al. (hereinafter Kusko).

Kusko is directed at a ground fault detector that has a neon bulb connected between a rectangular copper plate connected to an antenna wire and a resistor connected to one arm of a double-pole double-throw relay with the stationary contacts cross coupled to hot and neutral wires of a three-wire A.C. line. A photocell detector is optically coupled to the neon bulb and provides a signal to a live wire detector circuit when the neon bulb is illuminated to disable operation of the relay. A timer circuit causes the live wire detector circuit to operate the relay when the neon bulb is not illuminated after a predetermined time. A network is photo-optically coupled to a ground status detector that controls a contactor that selectively connects power to the equipment being monitored.

According to the **MPEP 2143**, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The prior art references do not teach or suggest all the claim limitations. As noted above, Brownell does not disclose each and every element of either independent claim 1 or independent claim 25. As such, claims 11, 12, and 40 are patentable by virtue of their dependency from the claims 1 and 25. In addition, the Examiner asserts that while Brownell does not disclose a redundant ground current safety portion that prevents ground current from exceeding 500 microamperes (claim 11, claim 40), Kusko does. The Examiner points to column 6, lines 19 – 21 of Kusko in support of his assertion. However, the cited text discloses a "ground loop current on the order of 150 microamperes." Thus, Kusko does not supply the missing claim elements.

B. Brownell in view of Brown:

The Examiner has rejected claim 23 under 35 U.S.C. § 103 as being unpatentable for obviousness over Brownell in view of U.S. Patent No. 6,657,435 to Brown. The prior art references do not teach or suggest all the claim limitations. As noted above, Brownell does not disclose each and every element of either independent claim 1. As such, claim 23 is patentable by virtue of its dependency from the claims 1.

C. Brownell in view of Robitaille:

The Examiner has rejected claim 26 under 35 U.S.C. § 103 as being unpatentable for obviousness over Brownell in view of U.S. Patent No. 4,929,887 to Robitaille. The prior art references do not teach or suggest all the claim limitations. As noted above, Brownell does not disclose each and every element of either independent claim 1. As such, claim 26 is patentable by virtue of its dependency from the claims 1.

Further, the Examiner asserts that Robitaille discloses "a second electric circuit test device coupled to the receptacle and the connector...", as recited in claim 26. The Examiner points to Figure 3 of Robitaille in support of his assertion. However, Robitaille only shows one device. Brownell only shows one device. Accordingly, neither reference shows a device having the subject matter of claim 26.

D. Summary: The Examiner has not made a prima facie case of obviousness because he has not shown where the combination of references teach or suggest all the claim limitations. Furthermore, there can be no valid motivation to combine the references because the Examiner's statements regarding the presence of claim limitations within the secondary references are factually inaccurate. Accordingly claims 11, 12, 23, 26, and 40 are patentable under 35 U.S.C. § 103 (a). The applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

5. Conclusion

Based upon the amendments, remarks, and papers of record, Applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests reconsideration of the pending claims 1 – 23 and 25 – 40 and a prompt Notice of Allowance thereon.

Applicant believes that no extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 50-1546.

Please direct any questions or comments to Daniel P. Malley at (607) 330-4010.

Respectfully submitted,

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